

REMARKS

Pursuant to 37 C.F.R. §1.116, reconsideration of the instant application, as amended herewith, is respectfully requested. Entry of the amendment is requested.

Applicant submits the attached new power of attorney to the undersigned representative. Please process the power of attorney noting the new attorney docket number.

Claims 4-6 are presently pending before the Office. Claims 1-3 have been canceled. Applicant has amended the claims. No new matter has been added. Support for the amendments can be found throughout the specification as originally filed.

The Examiner's Action mailed March 22, 2005 and the reference cited therein have been carefully studied by Applicant and the undersigned counsel. The amendments appearing herein and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is believed to be in condition for allowance.

Relying on 35 U.S.C. §102(b), the Examiner has rejected the subject matter of claim 1 as being anticipated by McDonald et al. In addition, claims 2-3 were rejected as being obvious over McDonald. Applicant respectfully traverses the rejection and requests reconsideration.

Applicant respectfully submits that it is important to note that, historically, the Office and the Federal Circuit has required that for a §102 anticipation, a single reference must teach (i.e., identically describe) each and every element of the rejected claim. The Office has steadfastly and properly maintained that view.

The Examiner may have misconstrued the structure of the McDonald disclosure. It is a very complex board. There are no separate buttons on its central display for indicating one hit, two hits and three hits in a respective pie-shaped region of the dart board. All entries for all players are made from the single keypad. Errors can be made if one player inputs without ensuring that the keypad is switched to that player.

Such boards are too complicated for many and as a result, scoring/entry errors are common or prone to occur.

Applicant's invention is simplistic. Each of the two players have their own keypad to make scoring entries and their own side for displaying hits on the dart board using single buttons for each hit (one button having a slash symbol for activating the slash display, another button with an X-shaped symbol thereon for activating an X-shaped display and a third button having an O-shaped symbol thereon for activating an O-shaped display). Each set of these sets of buttons has its own cancel button to cancel an incorrect push of a slash, X or O button. You have to be generally computer savvy to operate the McDonald board while the present invention is clearly easy to use for all generations, computer savvy or not.

The structure of the present invention is lacking in the McDonald disclosure as claimed. Fig. 1 or McDonald depicts dissimilar structure to that of applicant's invention as depicted in applicant's Fig. 1.

Accordingly, each and every element of Applicant's claims have not been taught in that single reference. Applicant respectfully submits that claims 4-6, as amended herein, have not been anticipated by the McDonald patent under 35 U.S.C. §102(b) or are not rendered obvious under 35 U.S.C. §103(a), and respectfully requests that such rejection be withdrawn.

CONCLUSION


Even though the initial claims in this important patent application were drawn to a new, useful and nonobvious invention, they have now been amended to increase their specificity of language. Applicant respectfully submits that claims 4-6 are patentable over the art of record.

A Notice of Allowance is earnestly solicited.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 943-9300 would be appreciated.

Very respectfully,

Dated: 5/20/05


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